

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT UNDER THE
CIVIL RIGHTS ACT, 42 U.S.C. SECTION 1983**

In the United States District Court
District of Massachusetts

Johnny Cyrus

Enter above the full name of the plaintiff
in this action.

VS.

David L. Winn, et al

F.M.C. Devens Staff

Enter above the full name of the defendant
or defendants in this action.

I. Parties

(In item A below, place your full name in the first blank and place your present address in the second blank.
Do the same for any additional plaintiffs.)

A. Name of Plaintiff Johnny Cyrus

Current Address P.O. Box 879, Ayer, Massachusetts 01432-0879

(In item B below, place the full name of the defendant in the first blank, his official position in the second
blank, and his place of employment in the third blank. Use item C for the same information regarding any
additional defendants.)

B. Defendant David L. Winn, et al, is
employed as Warden
at F.M.C. Devens Prison

C. Additional Defendants Doctor, Newman, Unit Manager, V. Fernandez
Discipline Hearing Office, D. Bracy and other unnamed Staff

II. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Also
include the names of any other persons involved, dates and places of events. You may cite Constitutional
Amendments you alleged were violated, but do not give any legal arguments or quote any cases or statutes.

If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. (Attach additional sheet if necessary).

Pro Se was placed in segregation in a non-handicap cell that had no rails to help Pro Se from the wheelchair to the bed or toilet, Pro Se was denied access to pen, paper and stamps to excise the right to administrative remedy and due process, Pro Se was given a bed pan and a urinal bottle after Defendants realized that Pro Se was unable to manage in the cell without the proper handicap rails. On September 30, 2003 Pro Se losses six(6) month personal property and commissary for deficating on the floor of the cell. See: Pro Se Statement attached

III. Relief

Briefly state exactly what you want the court to do for you. (Make no legal arguments. Do not cite cases or statutes.) Pro Se request that the Warden and his staff be investigation for the allegations set forth by the Pro Se and the a civil action claim of \$1,000,000.00 for pain and suffering and mental anguish caused by the actions of the Defendants staff

Jury Trial

Non-Jury Trial

IV. Place of present confinement F.M.C. Devens Prison

A. Is there a prisoner grievance procedure in this Institution? Yes No

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes No

C. If your answer is Yes:

1. What steps did you take? Pro Se has tried to file grievance but was denied access to administrative remedies as well as paper and pen by staff
2. What was the result? awaiting assistance by the regional office

- D. If your answer is **NO**, explain why not. _____
- E. If there is no prison grievance procedure on the institution, did you complain to the prison authorities?
 () Yes () No

F. If your answer is **YES**:

1. What steps did you take? _____

2. What was the result? _____

V. Previous Lawsuits

- A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment?
 () Yes () No
- B. If your answer to A is **YES**: You must describe any lawsuits, currently pending or closed, in the space below. (If there is more than one lawsuit, you must describe the additional lawsuits on another piece of paper, using the same outline.)

1. **Parties to previous lawsuit:**

Plaintiff(s) Johnny Cyrus

Defendants David L. Winn, et al (Warden)
Veronica Fernandez (Unit Manager)

2. Court (if federal court, name the District; if state court, name county): Massachusetts
3. Docket number: 02-40095-WGY and 03-40134-GAO
4. Name of Judge to whom case was assigned Judge Young and Judge O'Tool
5. Disposition (was the case dismissed?Appealed? Still pending?) Still pending
6. Approximate date of filing lawsuit 2002 and 2003
7. Approximate date of disposition none at this time

I declare under penalty of perjury that the foregoing is true and correct.

Oct 14, 2003

(Date)

Johnny Cyrus

(Signature of Plaintiff)

3.